AJN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2963 OF 2005

Amit Rajeev Shah ... Petitioner

Vs.

Maharashtra University of Health
Nashik & Anr. ... Respondents

Mr. V.M. Thorat for the petitioner.

Mr. R.V. Govilkar for respondents 1 and 2.

**CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.**

DATED: 16TH DECEMBER 2005.

P.C.:-

1. The petitioner is a final year B.D.S. student. On 29/8/2005, the respondent University issued a show cause notice to the petitioner asking him to show cause as to why the punishment stipulated in Rule 65.11 and Rule 65.12 of amended Ordinance No.1/2002 should not be imposed on him. The notice further stated that Unfair Means Enquiry Committee has reported the malpractice committed by the petitioner during July/August, 2005 examination and charges levelled against the petitioner namely "writing matter relating to subject on question paper" and "talking with other students during examination". The show cause notice further asked the petitioner to appear before the said Committee on 9/9/2005. Accordingly, the petitioner appeared before the said Committee on 9/9/2005 and submitted his reply.

The respondent University by its letter dated 21/10/2005 informed the petitioner that his performance in the subject periodontics of July/August, 2005 examination stands cancelled.

2. In this petition, the petitioner has prayed that the cancellation of petitioner's performance in the subject periodontics of the final year B.D.S. examination be quashed and set aside.

3. We have heard Mr. Thorat, the learned counsel appearing for the petitioner and Mr. Govilkar, the learned counsel appearing for the respondents.

4. Mr. Thorat, the learned counsel strenuously contended that the alleged malpractice is not proved. He drew our attention to the show cause notice and submitted that the show cause notice does not communicate to the petitioner the particulars of the charges levelled against him. He submitted that the names of other students with whom the petitioner was said to be talking are also not disclosed in the show cause notice and, therefore, the show cause notice is vague and deserves to be set aside.

5. We have perused the reply submitted by the petitioner to the show cause notice. We find that the petitioner has not denied the charge that he was talking to the other students. There is also no proper justification as

to why the petitioner had written matter relating to the subject on the question paper. We find no reason to interfere with the respondent's action. In the circumstances, the petition is dismissed.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)